

REMARKS

The present amendment is in response to the Office Action dated October 5, 2007. Claims 1, 2, 4-15, and 17-22 are now present in this case. Claims 1, 5, 10, and 12 are amended. New claims 18-22 have been added.

The Examiner will kindly note that representation in this matter has been transferred to another attorney. A revocation/substitute power of attorney will be filed in the near future.

Claims 1, 2, 4-15, and 17 stand rejected under 35 U.S.C. § 103(a) as unpatentable by U.S. Patent No. 6,760,759 to Chan combined with U.S. Patent No. 5,923,736 to Shachar. The applicants respectfully traverse this rejection and request reconsideration.

As amended, Claim 1 contains at least one element not disclosed by Chan, specifically:

“activating a script in the remote server in response to the receipt of the one or more initial search parameters, wherein activating includes sending one or more queries to the wireless device;”

The Office Action acknowledges that Chan does not disclose a similar element in pre-amended Claim 1 (*i.e.*, Chan is silent regarding the remote server comprising a script processor configured to provide search parameters.) (Office Action, page 3.)

Chan discloses a “speedy search application” that allows a user of a handheld unit to formulate a search to send to a server by selecting a series of inputs from a hierarchy of menus. The handheld unit presents a first menu to the user with several input options, each input narrowing the search in a different way. The user selects one of the inputs presented in the first menu. The handheld unit then presents a second menu that offers options based on the selected input from the previous menu, each input narrowing the search in a different way. The user selects one of the inputs presented in the second menu. Once the search has been sufficiently narrowed, the

user may request the handheld unit submit the search to the server. (Chan, column 5; lines 35-55.) At no point in the “speedy search” process of Chan does the server become involved with narrowing the search. Chan’s “speedy search” is driven entirely by the handheld unit. Chan does not even mention of a script activated on the server to send queries to the handheld unit. Chan discloses that “[a]t any point, the menus for a screen, such as screen 130 could be downloaded to the handheld unit from a server.” This menu download is not the equivalent of the query recited in Claim 1. The term “downloaded” as commonly understood is an action initiated by the client, not the server. Indeed, this is how Chan uses this term. When Chan does not use passive voice in conjunction with “download,” Chan makes clear that it is the handheld unit that causes something to be “downloaded,” (*e.g.*, “allow the handheld unit to download only changing data.”) (Chan, column 2, lines 46-49.)

In contrast to Chan, the queries in the method are part of a process that occurs in the remote server with queries being sent from the remote server to the wireless device. The queries recited in claim 1 can take many forms. A query can take the form of a keyword entry or a query can take the form of a mixture of textual and/or vocal messages generated by the server. A query can take the form of a limited list of options that the consumer can answer by selecting among the available options. (See pending application, paragraph [0040].) Even if one considers a limited list of options to be a menu, this type of query is not disclosed by Chan because Chan does not disclose a server sending any type of query.

Shachar does not cure this deficiency. The Office Action finds Shachar discloses “wherein the remote server comprises a script processor configured to provide further search parameters based on responses to one or more queries displayed on the wireless device, the one or more queries being displayed upon the activation of a script.” (Office Action, page 3.) The applicants respectfully disagree that Shachar so discloses.

Shachar discloses a hypertext markup language (HTML) based phone. An HTML interpreter resident within the phone executes HTML documents stored in the phone to control the graphical user interface (GUI). (Shachar, Abstract.) The HTML documents to be executed may be retrieved from memory internal to the phone or from

the network. (Shachar, column 9, lines 40-42; column 10, lines 25-67.) However, even if one equates an HTML document with the script recited by Claim 1, Shachar does not disclose an HTML document activated in a remote server. Nor does Shachar disclose a script that sends queries to a wireless device. Nor does Shachar disclose executing any script in response to the receipt of one or more initial search parameters.

For at least these reasons, the applicants believe the rejection of Claim 1 over Chan in view of Shachar has been overcome.

Independent Claims 5 and 10 have been amended to “activating a script in the remote server.” As discussed above with respect to Claim 1, Chan and Shachar do not suggest such a process. The applicants believe that the rejections of Claims 5 and 10 are overcome for at least the same reasons as given above regarding Claim 1. Claims 2, 4 are dependent on Claim 1. Claims 6-9 are dependent on Claim 5. Claims 11-15, and 17 are dependent on Claim 10. These dependent claims incorporate all the elements of their independent base claims including the elements the applicants demonstrated above are not disclosed by Chan nor by Shachar. Thus, the applicants believe that the rejections of Claims 2, 4, 6-9, 11-15, and 17 are overcome for at least the same reasons as given above regarding Claim 1.

New Claim 18 is directed to a method in a remote server that includes inter alia, “activating a script” as well as “if the script was activated and the script specifies a query then sending the query to the wireless device.” As discussed above with respect to Claim 1, Chan and Shachar do not suggest such a process. The applicants believe Claim 18 is patentable over Chan and Shachar for at least the same reasons as the applicants gave above regarding Claim 1.

New Claims 19-22 are dependent on Claim 18 and incorporate all the elements of independent base Claim 18 including the element the applicants demonstrated above is not disclosed by Chan nor by Shachar. Thus, the applicants believe that Claims 19-22 are patentable over Chan and Shachar for at least the same reasons as given above regarding Claim 18.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. The applicant [has/have] made a good faith effort to place all claims in condition for allowance. If questions

remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 757-8029.

Respectfully submitted,
Steven T. Kanefsky
Davis Wright Tremaine LLP

/Philip R. M. Hunt, Reg. #58,044/

Philip R. M. Hunt

PRH:gatc

1201 Third Avenue
Suite 2200
Seattle, Washington 98101
Phone: (206) 757-8029
Fax: (206) 757-7029

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